

## REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated December 18, 2003.

Preliminarily, the applicant notes that at the "Conclusion" section commencing at page 8 of the Office Action, the Examiner speaks of a Reply being filed within two months of the mailing date "of this final action". The Office Action speaks of a possible Advisory Action. This suggests that the application is under a Final Rejection.

In fact, it cannot be so because the applicant has amended the claims with the Request for Continued Examination. In fact, the Office Action Summary, paragraph 2b marks this action as a "non-final" action. Applicant assumes that the Examiner in fact agrees that the instant communication responds to a non-final Action.

Claims 9-12, 17 and 25-28 are pending in the application.

Paragraph 3 of the Office Action responds to applicant's previous submission and contains a rather lengthy dissertation on "means plus function" claim interpretation. However, the entire "Response to Amendment" section has been rendered moot, because the applicant has added structural detail which requires the claims not to be narrowly limited to the specific constructional details described in the specification.

Commencing at page 6 of the Office Action, in the paragraph numbered 3. (there is another paragraph numbered "3." at page 2 of the Office Action), claims 9, 11, 17, 25 and 27 are said to be anticipated by Matthews (5,464,480). Claims 10 and 26 are said to be obvious over Matthews, in view of Matsuo (6,403,498). Reconsideration is requested in view of the amendments to the claims herein and the following remarks.

The following paragraphs characterize the features that are set forth in claim 9 of the instant application:

- (a) The invention comprises a substrate treating apparatus for cleaning substrates, with the apparatus in turn comprising the following;
- (b) a support that includes a chuck rotatable by a motor for supporting and spinning a substrate in a horizontal plane;
- (c) a cleaning solution supply that has a nozzle for supplying a cleaning solution having ozone dissolved therein to an upper surface of the substrate;
- (d) ultraviolet emitting means that include UV lamps and a reflector for emitting ultraviolet light onto the substrate from a position above the substrate; and

(e) a controller that controls the rotating of the support means, as well as the supplying of the cleaning solution from the nozzle of the cleaning solution supply means to the substrate which substrate is being supported and spun in a manner which forms a puddle on the upper surface of the substrate and which, during the cleaning process, has the UV lamps emitting ultraviolet light onto the cleaning solution.

Turning to the cited references, the applicant maintains the comments set forth in the prior communication to the Patent Office and respectfully contends that, particularly as amended herein, the independent claims in the application are distanced even further from the prior art of record. One of the added features specifically provides that the ultraviolet light is emitted from an irradiating position above the support means. The cited Matthews document does not have a support means that spins the substrate at all and, in addition, does not specifically teach the feature identified in paragraph (d) above.

In paragraph 3 (at page 6 of the Office Action), the Examiner has rejected claims 9, 11, 17, 25 and 27 on grounds of anticipation by Matthews. The Examiner discusses claim 17 and sets forth some remarks concerning the order of steps to be performed. However, none of the other claims are discussed. And as noted above, Matthews, in fact, neither anticipates nor even suggests the teachings of any of the independent claims.

Regarding the rejection of claims 10 and 26 over Matthews, in view of Matsuo, applicant respectfully notes that Matsuo, et al. discloses a dry type cleaning apparatus for UV-irradiated ozone cleaning. This reference shares with the instant invention only the feature that it utilizes ultraviolet light. It has none of the structural details of the instant invention.

Even with respect to the disclosure in Matsuo of an ultraviolet light emitter, the irradiating position for this emitter in the reference is not above the support as specified in the claims herein and as described in paragraph (d) above. This is so because this reference, again, does not provide a support means that spins a substrate. The cited Matsuo reference does not disclose or suggest anything similar to the feature (d) which comprises a novel feature of the present invention.

The Office Action has also rejected claims 9-12 and 25-28 on grounds of anticipation by Tomita (5,364,980). Reconsideration is requested.

The newly cited Tomita reference discloses a spin washing apparatus that supplies sulfuric acid-hydrogen peroxide to a substrate to remove film and the like therefrom. This reference discloses only a support that spins the substrate, but otherwise lacks the features denominated by

paragraphs (d) and (e) above. As such, it neither anticipates nor renders obvious the claims of record.

For completeness, applicant observes that the Examiner has cited a thesis for the proposition that is discloses the wavelengths specified in dependent claims of this application. However, the Examiner may have overlooked that this thesis was made public after the filing date of this application and cannot provide a basis that supports the rejection of any of the claims in this application.

For the reasons noted above, the present invention is clearly different in construction from the references which disclose batch type apparatuses that emit ultraviolet light within a treating tank, a dry type single substrate washing apparatus, and a spin type single substrate treating apparatus using sulfuric acid-hydrogen peroxide. Accordingly, the claims of record are neither anticipated nor rendered obvious by the cited references. In addition, these disparate references contain no suggestion or motivation for combining their teachings along the lines suggested in the Office Action, absent reliance on the hindsight information provided by the instant application.

The foregoing remarks set forth the basis of distinction of each of the independent claims in the application over the art of record. The remaining claims in the application contain the limitations of their base claims and incorporate further limitations that places them even more apart from the prior art.

The applicant has also incorporated additional claims which are modeled on the existing claims, but which avoid any suggestion that they utilize means plus function claim format.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 18, 2004

Respectfully submitted,

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March 18, 2004  
Date of Signature

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